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Attn: Peggy Hildbrand

Book 2006 Page 3590
Document 2006 3590 Type 06 006 Pages 6
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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

Prepared By & Return to: Steven E. Carr, PO Box 333, Manchester, Iowa 52057 (563) 927-4164

AGREEMENT

WHEREAS a Real Estate Contract between Roger W. Fuller and Betty Lou Fuller, Sellers, and Eastern Iowa Pumping, Inc., Buyer, dated February 1, 2001 and February 14, 2001 and filed for record February 22, 2001 in Book 2001, Page 579 contained a notice of agricultural use and a manure spreading restriction which were to be set forth in a separate document and recorded. The following current owners wish to consummate said provisions by the following agreement:

1. Betty Lou Fuller, a single person (hereinafter "Farm Owner") is the owner of the following described real estate:

> The Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section Nineteen (19), Township Eighty-nine (89) North, Range Five (5), West of the Fifth Principal Meridian, except Quaker Mill Ridge, per plat recorded in Book 2001, Page 570, and except Quaker Mill ridge 2nd Addition, per plat recorded in Book 2006, Page 138, subdivisions in part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) and the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section nineteen (19), Township Eighty-nine (89) North, Range Five (5), West of the Fifth Principal Meridian, Delaware County, Iowa.

2. Eastern Iowa Pumping, Inc. (hereinafter "EIP") is the owner of the following described real estate:

> Lot 2 and Lot 6 of Quaker Mill Ridge Subdivision - A Subdivision of the SW¼ of the NW ¼ and part of the N½ of the NW¼ of the SW¼ of Section 19, T89N, R5W of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2001m Page 570.
>
> And

Lot Nine (9) Quaker Mill Ridge 2nd Addition - a subdivision of the SW¼ - NW¼ of Section 19, T89N, R5W of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2006, Page 138.

3. George R. Poage and Jean M. Poage, husband and wife (hereinafter "Poage") are the owners of the following described real estate:

Lot One (1) of Quaker Mill Ridge – A Subdivision Of The SW ¼ Of The NW ¼ And Part Of The N ½ Of The NW ¼ Of The SW ¼ Of Section 19, T89N, R5W Of The Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2001, Page 570.

4. Keith Johnson and Renee S. Carrothers, husband and wife (hereinafter "Johnson/Carrothers") are the owners of the following described real estate:

Lot Three (3) in Quaker Mill Ridge, a subdivision of part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) and part of the North One-half (N½) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of Section Nineteen (19), Township Eighty-nine North (T89N), Range Five West (R5W) of the 5th P.M., Delaware County, Iowa, per plat recorded in Book 2001, Page 570 in the records of the Delaware County Recorder.

5. Martin A. Simon and Judith A. Simon, husband and wife (hereinafter "Simon") are the owners of the following described real estate:

Lot Four (4) of Quaker Mill Ridge - A Subdivision Of Part Of The SW¼ Of The NW¼ And Part Of The N½ Of The NW¼ Of The SW¼ Of Section 19, T89N, R5W Of The Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2001, Page 570.

6. Jon M. Nordaas and Julie A. Nordaas, husband and wife (hereinafter "Nordaas") are the owners of the following described real estate:

Lot Five (5) of Quaker Mill Ridge - A Subdivision Of The SW¼ Of The NW¼ And Part Of The N½ Of The NW¼ Of The SW¼ Of Section 19, T89N, R5W Of The Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2001, Page 570.

7. Janet S. Krogmann, a single person (hereinafter "Krogmann") is the owner of the following described real estate:

Lot Seven (7) of Quaker Mill Ridge - A Subdivision Of The SW¼ Of The NW¼ And Part Of The N½ Of The NW¼ Of The SW¼ Of Section 19,

T89N, R5W Of The Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2001, Page 570.

8. Tracy B. Bessey and Linda A. Bessey, husband and wife (hereinafter "Bessey") are the owners of the following described real estate:

Lot Eight (8) of Quaker Mill Ridge - A subdivision of the SW¼ of the NW¼ and part of the N½ of the NW¼ of the SW¼ of Section 19, T89N, R5W of the Fifth P.M., Delaware County, Iowa, according to plat recorded in Book 2001, Page 570.

9. Pursuant to the provisions set forth in the above referenced contract, Farm Owner agrees that no liquid manure shall be spread on land owned by Farm Owner within 1000 feet of the above described property owned by Eastern Iowa Pumping, Inc, Poage, Johnson/Carrothers, Simons, Nordaas, Krogmann and Bessey (collectively "Lot Owners"). Lot Owners agree that there above described property is located within an area where land is used for commercial agricultural production. Lot Owners, residents and other users of the above described property may be subject to inconvenience, discomfort and the possibility of injury arising from agricultural operations, including but not limited to noise, odors, fumes, dust, and the operation of machinery of any kind, the storage and disposal of manure, the application of chemical fertilizers, herbicides and pesticides. Lot Owners, residents and other users of the above described property should be prepared to accept such inconvenience, discomfort and possibility of injury from agricultural operations.

10. This agreement shall be binding upon the parties hereto, their successors and assigns.

Betty Lou Fuller

Eastern Iowa Pumping, Inc.

By: _____
Joseph G. Hildebrand,
President & Secretary

George R. Poage

Jean M. Poage

Keith Johnson

Renee S. Carrothers Johnson

_____

_____

Martin A. Simon

Jon M. Nordaas

Judith A. Simon

Julie A. Nordaas

Janet S. Krogmann

Tracy B. Bessey

Linda A. Bessey

STATE OF IOWA)
) ss:
Delaware County)

This instrument was acknowledged before me on this 29th day of September, 2006 by Betty Lou Fuller.

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-20-06

Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
Delaware County)

This instrument was acknowledged before me on this 30th day of September, 2006 by Joseph G. Hildebrand as President and Secretary of Eastern Iowa Pumping, Inc.

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-20-06

Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
Delaware County)

This instrument was acknowledged before me on this 29th day of September, 2006 by George R. Poage and Jean M. Poage.

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-20-08

Peggy A. Hildebrand
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
Delaware County)

This instrument was acknowledged before me on this 30th day of September, 2006 by Keith Johnson and Renee S. Carrothers Johnson.

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-20-08

Peggy A. Hildebrand
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
Delaware County)

This instrument was acknowledged before me on this 30th day of September, 2006 by Martin A. Simon and Judith A. Simon.

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-20-08

Peggy A. Hildebrand
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
Delaware County)

This instrument was acknowledged before me on this 29th day of September, 2006 by Jon M. Nordaas and Julie A. Nordaas.

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-20-08

Peggy A. Hildebrand
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
Delaware County)

This instrument was acknowledged before me on this 16th day of September, 2006 by Janet S. Krogmann.

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-26-06

Peggy A. Hildebrand
Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss:
Delaware County)

This instrument was acknowledged before me on this 30th day of September, 2006 by Tracy B. Bessey and Linda A. Bessey.

Peggy A. Hildebrand
Notary Public in and for the State of Iowa

PEGGY A. HILDEBRAND
Commission Number 707484
My Commission Expires
12-26-06